

U.S. Patent Application Serial No. 10/731,405
Amendment filed February 8, 2006
Reply to OA dated November 8, 2005

REMARKS

Claim 1 has been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated November 8, 2005.

Claims 1 - 6 remain in this patent application.

As to the merits of this case, the Examiner maintains the following rejections:

- (1) claims 1 - 4 and 6 stand rejected under 35 USC §102(b) as being anticipated by Bauer;
- (2) claim 5 stands rejected under 35 USC §103(a) based on Bauer in view of “Applicant’s admission (Figs. 17 and 20);” and
- (3) claim 4 stands rejected under 35 USC §103(a) based on Bauer in view of Keehner (of record).

The applicants respectfully request reconsideration of these rejections.

In setting forth the above-noted rejections, the Examiner responds to the applicants' previous arguments in the following manner:

[t]he Applicant argues that the element 10 of Bauer does not regulate the element 62. The Examiner contends that the element 10 would prevent, and therefore regulate, the element 62 from extending beyond the point where the bearing 46 reaches the bottom of slot 44.^{1/}

Emphasis added. In other words, the Examiner takes the position that Bauer's unit 10 teaches the applicants' claimed regulation member when Bauer's air spring 62 is prevented "from extending beyond the point where the bearing 46 reaches the bottom of slot 44." However, such function of Bauer's device, if operating properly, does not occur (i.e., Bauer's unit 10 is not intended to prevent the bearing 46 from reaching the bottom portion of slot 44 of arm 28 (see, Bauer's Figure 4).

Instead:

the air spring 62 is automatically adjusted to keep the spacing between the bridge portions 36 and 38 constant regardless of the load in the cab, which automatically tends to center the bearing 46 in the slot 44.^{2/}

That is, the object of Bauer's truck cab suspension unit is to ensure that the bearing 46 is centered along the slot 44 of the arm 28, as illustrated in Bauer's Figures 3 and 4.

^{1/} See, lines 2-4, item 9, page 5 of the outstanding Action.

^{2/} See, lines 6-9, column 5 in Bauer.

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Based on the above, Bauer does not regulate the maximum stroke in which the air spring 62 can extend or compress because Bauer's objective is to have its suspension air spring "automatically adjusted by well known means to maintain the cab level regardless of the load carried by the cab."^{3/}

Based on the applicants' above comments, the applicants have further amended independent claim 1 so as to more particularly recite that the claimed regulation member regulates "a maximum displacement in an extensional direction of the attenuation mechanism."

In Bauer, there is no regulation of the maximum displacement of the bearing 46 along the slot 44 because once the bearing 46 reaches the bottom portion of the slot 44, Bauer's unit 10 may have failed.

In view of the above, the applicants submit that not all of the claimed elements, as now set forth in independent claim 1, are found in exactly the same situation and united in the same way to perform the identical function in Bauer's apparatus. Thus, there can be no anticipation under 35 USC §102(b) of the applicants' claimed cab supporting structure, now set forth in claim 1, based on Bauer.

^{3/} See, lines 2-5, column 5 in Bauer.

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Further, claims 2 - 4 and 6 depend on claim 1, and further limit the scope of claim 1. Thus, at least for the reasons set forth above with respect to claim 1, claims 2 - 4 and 6 should now be similarly allowable.

In view of the above, the withdrawal of the outstanding anticipation rejection under 35 USC §102(b) based on Bauer is in order, and is therefore respectfully solicited.

Furthermore, the secondary references do not teach the above-discussed deficiency or drawback of Bauer in failing to fully meet the applicants' claimed invention. Thus, even if, *arguendo*, the teachings of the secondary references can be combined with the teachings of Bauer, such combined teachings would still fall far short in fully meeting the applicants' claimed, as now set forth in independent claim 1 from which claims 4 and 5 depend. As such, a person of ordinary skill in the art would not have found the applicants' claimed invention obvious under 35 USC §103(a) based on Bauer in view of "Applicant's admission (Figs. 17 and 20)" or Keehner (of record).

Thus, the withdrawal of the outstanding rejections under 35 USC §103(a) based on Bauer in view of "Applicant's admission (Figs. 17 and 20)" or Keehner (of record) is in order, and is therefore respectfully solicited.

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In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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